



# PORTLAND MAINE

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## Planning & Urban Development Department

Jeff Levine, Director

## Planning Division

Alexander Jaegerman, Director

June 27, 2013

Chabad Lubavitch of Maine, Inc.  
101 Craigie Street  
Portland, ME 04102

Andrew Morrell  
BH2M  
28 State Street  
Gorham, ME 04038

Project Name: Pomeroy Street Single Family Home  
& Street Construction

ID: 2012-471  
CBL: 193-E-1

Applicant: Chabad Lubavitch of Maine, Inc.

Planner: Nell Donaldson

Dear Mr. Morrell:

On June 27, 2013, the Planning Authority approved with conditions a Level II site plan for the construction of approximately 200' of Pomeroy Street and a Level I: Minor Residential site plan for the associated single family home to be located at 11 Pomeroy Street. The decision is based upon the application, documents, and plans as submitted by Chabad Lubavitch of Maine, Inc., prepared by BH2M, and dated 6/19/13. The proposal was reviewed for conformance with the standards of Portland's land use ordinance, including Sections 14-526 (Site Plan) and 14-403 (Street Access).

## WAIVERS

*Sidewalk:* Based on the following grounds, the Planning Authority waives the site plan standard requiring sidewalks in accordance with Section 14-498 of the land use ordinance:

3. A safe alternative walking route is reasonably and safely available. Given that Pomeroy Street will likely only provide access to the subject property, low traffic volumes are expected and a shared roadway condition is deemed acceptable.
6. Strict adherence to the sidewalk requirement would result in the loss of significant site features related to landscaping or topography that are deemed to be of greater public value. In this case, the wetland impact of additional pavement adjacent to the roadway is considered significant.

*Curbing:* The Planning Authority waives the granite curbing requirement of Section 14-403 of the city's land use ordinance, based on the fact that the nearest permanently paved street does not have

granite curbing and an acceptable alternative drainage plan has been provided.

#### **SITE PLAN REVIEW**

The Planning Authority found that both the Level II site plan for the construction of 200' of Pomeroy Street and the Level I: Minor Residential site plan for the construction of the associated single family home are in conformance with the site plan standards of the land use code subject to the following condition(s) of approval, **which shall be met prior to the issuance of a building permit unless otherwise noted:**

1. The applicant shall provide an easement to the City of Portland for purposes of a turnaround at the end of Pomeroy Street, for review and approval by the city's Department of Public Services and Corporation Counsel;
2. The applicant shall provide a copy of a Tier 1 NRPA Wetland Disturbance permit from the Maine DEP, for review and approval by the Planning Authority;
3. The applicant shall provide a copy of the proposed landscaping easement to the neighboring properties, for review by the city's Planning Authority;
4. The applicant shall revise the site plan to include a note stating that the applicant will meet with the city arborist to field locate the proposed street trees, so as to minimize impacts to the roadside drainage and underground utilities, for review by the city's Planning Authority;
5. As the project falls inside the Capisic Brook Watershed, the applicant shall provide an urban impaired stream compensation fee in the amount of \$890, made payable to the City of Portland and delivered to the Planning Authority;
6. Prior to certificate of occupancy, the applicant shall provide a copy of the recorded deed demonstrating the sale of the associated outparcel on site;
7. Prior to acceptance of Pomeroy Street as a public right-of-way, the applicant shall meet the monumentation requirements of the city's Department of Public Services; and
8. For a period of one year following certificate of occupancy, the city's Department of Public Services shall monitor the intersection of Bancroft and Pomeroy Streets for icing. If icing problems occur, the applicant shall be responsible for corrective measures as directed by the city's DPS.

The approval is based on the submitted site plan. If you need to make any modifications to the approved site plan, you must submit a revised site plan for staff review and approval.

#### **STANDARD CONDITIONS OF APPROVAL**

Please note the following standard conditions of approval and requirements for all approved site plans:

1. **Storm Water Management Condition of Approval** The developer/contractor/subcontractor must comply with conditions of the construction stormwater management plan and sediment and erosion control plan based on City standards and state guidelines.

The developer of the approved stormwater management system and all assigns shall comply with the conditions of Chapter 32 Stormwater including Article III, Post Construction Stormwater Management, which specifies the annual inspections and reporting requirements, until the time when the roadway is accepted by the City of Portland as a public right-of-way. Following the

acceptance of Pomeroy Street, the City of Portland will be responsible for the stormwater management system.

2. **Develop Site According to Plan** The site shall be developed and maintained as depicted on the site plan and in the written submission of the applicant. Modification of any approved site plan or alteration of a parcel which was the subject of site plan approval after May 20, 1974, shall require the prior approval of a revised site plan by the Planning Board or Planning Authority pursuant to the terms of Chapter 14, Land Use, of the Portland City Code.
3. **Separate Building Permits Are Required** This approval does not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division.
4. **Site Plan Expiration** The site plan approval will be deemed to have expired unless work has commenced within one (1) year of the approval or within a time period up to three (3) years from the approval date as agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the one (1) year expiration date.
5. **Performance Guarantee and Inspection Fees** A performance guarantee covering the site improvements, inspection fee payment of 2.0% of the guarantee amount and seven (7) final sets of plans must be submitted to and approved by the Planning Division and Public Services Department prior to the release of a building permit, street opening permit or certificate of occupancy for site plans. If you need to make any modifications to the approved plans, you must submit a revised site plan application for staff review and approval.
6. **Defect Guarantee** A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
7. **Preconstruction Meeting** Prior to the release of a building permit or site construction, a pre-construction meeting shall be held at the project site. This meeting will be held with the contractor, Development Review Coordinator, Public Service's representative and owner to review the construction schedule and critical aspects of the site work. At that time, the Development Review Coordinator will confirm that the contractor is working from the approved site plan. The site/building contractor shall provide three (3) copies of a detailed construction schedule to the attending City representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the pre-construction meeting.
8. **Department of Public Services Permits** If work will occur within the public right-of-way such as utilities, curb, sidewalk and driveway construction, a street opening permit(s) is required for your site. Please contact Carol Merritt at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)
9. **As-Built Final Plans** Final sets of as-built plans shall be submitted digitally to the Planning Division, on a CD or DVD, in AutoCAD format (\*.dwg), release AutoCAD 2005 or greater.

The Development Review Coordinator must be notified five (5) working days prior to the date required for final site inspection. The Development Review Coordinator can be reached at the Planning Division at 874-8632. All site plan requirements must be completed and approved by the Development Review Coordinator prior to issuance of a Certificate of Occupancy.

If there are any questions, please contact Nell Donaldson at (207) 874-8723.

Sincerely,

*Alexander Jaegerman (BB)*

Alexander Jaegerman, FAICP  
Planning Division Director

Attachments:

1. Chapter 32 – Storm Water
2. Performance Guarantee Packet

cc: Jeff Levine, AICP, Director of Planning and Urban Development  
Alexander Jaegerman, FAICP, Planning Division Director  
Barbara Barhydt, Development Review Services Manager  
Nell Donaldson Planner/Senior Planner  
Philip DiPierro, Development Review Coordinator, Planning  
Marge Schmuckal, Zoning Administrator, Inspections Division  
Tammy Munson, Inspection Division Director  
Lannie Dobson, Administration, Inspections Division  
Gayle Guertin, Administration, Inspections Division  
Michael Bobinsky, Public Services Director  
Katherine Earley, Engineering Services Manager, Public Services  
Bill Clark, Project Engineer, Public Services  
David MargolisPineo, Deputy City Engineer, Public Services  
Doug Roncarati, Stormwater Coordinator, Public Services  
Greg Vining, Associate Engineer, Public Services  
Michelle Sweeney, Associate Engineer  
John Low, Associate Engineer, Public Services  
Rhonda Zazzara, Field Inspection Coordinator, Public Services  
Mike Farmer, Project Engineer, Public Services  
Jane Ward, Administration, Public Services  
Jeff Tarling, City Arborist, Public Services  
Jeremiah Bartlett, Public Services  
Captain Chris Pirone, Fire Department  
Danielle West-Chuhta, Corporation Counsel  
Thomas Enrico, P.E., TY Lin Associates  
David Senus, P.E., Woodard and Curran  
Rick Blackburn, Assessor's Department  
Approval Letter File